

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

BRIDGET MASON,	)	NO. CV 14-81 UA
	)	(DUTYx)
Plaintiff,	)	
	)	ORDER SUMMARILY REMANDING
v.	)	
	)	IMPROPERLY-REMOVED ACTION
LASHAYE LITTLE, and	)	
LAMONT KELLER,	)	
	)	
Defendants.	)	

The Court will remand this unlawful detainer action to state court summarily because Defendant removed it improperly.

On January 3, 2014, Defendant Lamont Keller, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal of that action to this Court and also presented an application to proceed in forma pauperis. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

1       Simply stated, this action could not have been originally  
2 filed in federal court, because the complaint does not competently  
3 allege facts supplying either diversity or federal-question  
4 jurisdiction, and therefore removal is improper. 28 U.S.C.  
5 § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S.  
6 546, 563 (2005). Defendant's notice of removal only asserts that  
7 removal is proper based upon federal question jurisdiction,  
8 alleging that the complaint was based on a defective notice under  
9 12 U.S.C. § 5220. (Notice at 4). However, the underlying unlawful  
10 detainer action does not raise any federal legal question. Nor does  
11 it appear that federal law is a necessary element of any of  
12 plaintiff's claims. Moreover, "the existence of a defense based  
13 upon federal law is insufficient to support federal-question  
14 jurisdiction." Hall v. North American Van Lines, Inc., 476 F.3d  
15 683, 687 (9th Cir. 2007) (quoting Wayne v. DHL Worldwide Express,  
16 294 F.3d 1179, 1183 (9th Cir. 2002)). Finally, defendant has not  
17 alleged complete diversity of citizenship between the parties and  
18 has not established that the amount in controversy exceeds \$75,000.  
19 See 28 U.S.C. § 1332(a). On the contrary, the unlawful-detainer  
20 complaint recites that the amount in controversy does not exceed  
21 \$10,000.


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23       Defendant is further notified and warned that any subsequent  
24 attempts to remove the underlying state unlawful detainer action to  
25 this Court will be improper and will constitute vexatious conduct  
26 that the Court will address by way of punitive remedial measures,  
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1 which may include having defendant designated as a vexatious  
2 litigant and barred from commencing any further removal actions  
3 with respect to the underlying state unlawful detainer action.  
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5 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to  
6 the Superior Court of California, County Of Los Angeles, 275  
7 Magnolia, Long Beach, California 90802, for lack of subject matter  
8 jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the  
9 Clerk send a certified copy of this Order to the state court; and  
10 (3) that the Clerk serve copies of this Order on the parties.  
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12 IT IS SO ORDERED.

13 DATED: 1-16-14

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16 GEORGE H. KING  
17 CHIEF UNITED STATES DISTRICT JUDGE  
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